

REMARKS

Claims 1-15 are pending in the application. Claims 1-8 have been withdrawn from consideration.

Claim 9 stands rejected under 35 U.S.C. §102(b) as anticipated by Wirsig or Lane.

The key feature of original claim 9 was that the sealing and severing means had a heated flat head and a sealing surface having a sharp profile. Though not explicitly stated in original claim 9, when read in light of the specification, the sealing surface is not heated.

Wirsig discloses a sealing device which has a heated member with a sharp profile and a non-heated member with a "convex face 33". See col. 5, line 27 of Wirsig. Thus, original claim 9 is not anticipated by Wirsig. Moreover, as explained below, original claim 9 is not obvious over Wirsig because the claimed configuration achieves unexpected results which are not attainable by any of the cited references.

Lane discloses a sealing and cutting device which includes a heated member having a slotted face and a cutting blade which is adapted to enter into the slot in the heated member. It is

submitted that the language of original claim 9 precluded a slotted heated member. Nevertheless, new claim 16 has been added wherein the flat head is further described as continuous (i.e., not slotted) and the members are described as being adapted to press against each other but not enter into a discontinuity in the other. Furthermore, original claim 9 has been amended to provide that the sealing surface with the sharp profile is resilient. Although the blade 176 in Lane is spring biased, the surface having the sharp profile (its sharp tip) is not resilient. The Lane device would not function as intended if the tip of the blade were resilient. Note also that the blade in Lane is not really a sealing and severing surface. It is a severing surface surrounded by a sealing surface. Amended claim 9 and new claim 16, therefore, are clearly not anticipated by Lane. Further, as described below, they are not obvious over Lane.

It is one of the important features of the present invention to avoid buildup of plastic material on the heated bar. See page 2, last paragraph and page 7, last sentence of the first paragraph of the instant specification. For this reason, the claimed invention is not only novel, it is not obvious because all of the cited art which discloses a sealing device having a sharp member and a dull member, except for Lane, teach that the sharp member should be the heated member. That arrangement causes the plastic buildup which the present invention avoids. Although lane has

dull heated member, the knife in lane repeatedly pushes plastic material into the slot in the heated member. That arrangement is perhaps the worst of all possible a conclusion that is evidenced by the fact that Lane is the oldest reference cited and none of the newer references have adopted the "knife into slot" arrangement.

For the foregoing reasons, claims 9 and 16 are allowable over the art.

Claims 9, 12, 13, and 15 stand rejected under 35 U.S.C. §102(b) as anticipated by Merrit.

Merrit discloses "a [sharp] heated material severing and sealing blade 55" which is movable into and out of engagement with "a [flat] block 56". This is the exact opposite of the claimed invention and results in excessive buildup of plastic material on the heated blade. Therefore, Merrit cannot anticipate claim 9 or any of the other claims which depend from it. Further, Merrit cannot anticipate claim 16. In addition, for the reasons mentioned above, Merrit cannot render any of the claims obvious. Moreover, the sharp surface in Merrit is not resilient.

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as obvious over Wirsig or Lane in view of Fukuda or Goodwin.

Claims 10 and 11 depend from claim 9 and the arguments made above regarding claim 9, Wirsig, and Lane apply to this rejection as well. With regard to Fukuda and Goodwin, neither of them teach or suggest the features of claim 9 and thus cannot render obvious any claim dependent on allowable claim 9.

Claim 14 stand rejected under 35 U.S.C. §103a as obvious over Merrit.

Claim 14 depends from claim 9 and the arguments made above regarding claim 9 and Merrit apply to this rejection as well. With regard to Fukuda and Goodwin, neither of them teach or suggest the features of claim 9 and thus cannot render obvious any claim dependent on allowable claim 9.

Claims 10 and 11 stand rejected under 35 U.S.C. §103 as obvious over Merrit in view of Fukuda or Goodwin.

Claims 10 and 11 depend from claim 9 and the arguments made above regarding claim 9 and Merrit apply to this rejection as well. With regard to Fukuda and Goodwin, neither of them teach or suggest the features of claim 9 and thus cannot render obvious any claim dependent on allowable claim 9.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

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Respectfully submitted,



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By:

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9. (amended) A vertical bagging apparatus for use with a roll of center folded packaging material, said apparatus comprising:
- a) an upstream feeder spool for holding the roll of center folded packaging material; and
 - b) a downstream sealing and severing means for sealing the packaging material and severing it from the roll, wherein
said sealing and severing means includes a heated bar having a flat head and [a] an opposed, resilient, non-heated sealing surface having a sharp profile.